

**Before: Shri S. S. Agate**

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

**Date : 13<sup>th</sup> December, 2023.**

**CALLED FOR DIRECTION:**

**34. TP/1608/2023  
WITH  
WILL/667/2023**

) **Ms. Jacinta Dsilva Advocate for the Petitioner.**

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) P. C. : 1. Perused Petition. Heard Ld. Advocate  
) for the Petitioner. This Petition is for  
) Probate of Last Will and Testament of the  
) deceased filed by the Petitioner Harshendu  
) Upendra Kaka being the sole Executor  
) named under the Will of the deceased.  
) Deceased Hiraben Khimshanker Raval  
) widow of Khimshanker Raval said to have  
) died at Mumbai on 08.09.2011. Copy of  
) Death Certificate is annexed to the Petition.  
) Copy of Pan Card of the deceased as ID  
) Proof is annexed to the petition.  
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) 2. Ms. Dsilva , Advocate for the Petitioner  
) submits that deceased left behind her last  
) Will and Testament which was duly  
) executed at Mumbai on 26.03.2007. The  
) said Will is in English language.  
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) 3. Ms. Dsilva, Advocate for the Petitioner  
) submits that deceased was governed under  
) the Hindu Succession Act, 1956. It is  
) submitted that the parents and husband of  
) the deceased predeceased the deceased.  
) Exh. E to the Petition is a copy of Death  
) Certificate husband of the deceased. The  
) deceased died leaving behind her one son  
) and two daughters. Thereafter, the deceased  
) daughter Pratibha Parekh died on 3<sup>rd</sup>  
) October 2021 leaving behind her married  
)

) daughter Neha Relic. Exh. F to the Petition  
) is a copy of Death Certificate of Pratibha  
) Parekh. Save and except as mentioned in  
) para – 9, there are no other legal heirs left  
) by the deceased. The Petitioner was  
) unaware that legal representation has to be  
) obtained. The Society has recently advised  
) the Petitioner to obtain appropriate legal  
) representation. The Petitioner therefore  
) prays that the delay in filing this Petition for  
) Probate may be condoned. Thus, the delay  
) is explained.  
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) 4. Petitioner's Oath is filed. Consent  
) Affidavits of son, daughter and grand  
) daughter as mentioned in para 9, are on  
) record. Affidavit of Dr. Pranav I. Sheth, one  
) of the attesting witness to the Will is filed.  
) Affidavit of service of General Citation is  
) filed . All other legal formalities are  
) complied with. Hence, Petition is granted.  
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) 5. Office to issue Probate of the Will as  
) prayed after verifying whether any Cross  
) Petition or Caveat is filed.  
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13.12.2023

**Addl. Registrar (O.S.) /  
Addl. Prothonotary and Senior Master**